

Case NO. 09cv0878 For the
John Harper
Plaintiff
V-S
C.P. Davis et al
Defendant

Court
Northern District of Illinois
Judge William J. Hilder
Magistrate
Mason.

FILED
MAY 24 2011
MAY 24 2011
MB
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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Motion to ^{ex}clude Defendants Motion for
Summary Judgment Pursuant to F.R.C.P. "56"
in support of Plaintiff States The following.

Defendants prior motion for Summary Judgment [93]
"never Received" Defendants Motion for Summary
Judgment [95 #] I Received "5-10-2011".

1) I have sent two Sworn Statement Declarations
from Thomas King and Charles Hunter #K69913 Some
proof That it happen The way i John Harper Describe
in complaint, if i would get Discovery photographs i
would have 25 Declaration and Witnesses but Sense
States Attorney will not give me Discovery i ask for
in Discovery, i never Received Discovery,
Two main Defendants are not serve, one Jane Doe
can not be identify, Howard Davis #STAR number 7726
i have TRY serve Davis 4 Time.
both Defendant still work That
Cook County Jail.

- 2) During A Deposition Between The Plaintiff and Defendants Attorney Genuine issues of Material Facts were Disputed such as A) Rather or not excessive force by Defendants do Howard Davis star number "77ab" was use against The Plaintiff That Resulted in severe injury to him, Such Force Violated The 8th Amendment which Bans The Use of Cruel and unusual Punishment and B) Medical Record along with qualified Medical Doctor and nurse Practitioner will Substantly Prove That The Plaintiff was Attacked.
- 3) Such Disputes Creates issues of Genuine Material Facts That -only A Jury can Resolve.
- 4) Where Fore The Plaintiff Respectfully Request That Defendants motion For Summary Judgment Should be Dismissed Due to Their being Disputed "Genuine issues of Material Facts i.e., That The Plaintiff was severely Beaten and such conduct on The part of The Defendants Violates The Stricture of The U.S. Constitution Particularly The 8th Amendment on Cruel and unusual Punishment Defendant motion Should be

"Dismissed"

I John Harper Swear under Penalty of Perjury That
I service 3 copy of attached Document to clerk
at Menard Correctional Center John Harper
N-51944